

NOS. \_\_\_\_\_ and \_\_\_\_\_

HARRY DONALD NICHOLSON, JR. § IN THE TEXAS COURT OF CRIMINAL APPEALS  
v. § OF CRIMINAL APPEALS  
THE STATE OF TEXAS § AUSTIN, TEXAS

**MOTION FOR EXTENSION OF TIME**  
**TO FILE APPELLANT'S PETITION FOR DISCRETIONARY REVIEW**

**TO THE HONORABLE JUDGES OF SAID COURT:**

**NOW COMES** the Appellant, HARRY DONALD NICHOLSON, JR., and moves for an extension of time to file the Appellant's Petition for Discretionary Review in these cases, and in support thereof would show the following:

I.

- a. These cases are pending below in the 13th District Court of Navarro County, Texas under Cause Nos. D37996-CR and D37998-CR, styled *State of Texas v. Harry Donald Nicholson*.
- b. Appellant was convicted of Evading Arrest-Detention with Vehicle in Cause No. D37996-CR and sentenced to 60 years' imprisonment in the Texas Department of Criminal Justice. The judgment date was November 8, 2018.
- c. Appellant was convicted of Aggravated Assault Against a Public Servant in Cause No. 37998-CR and sentenced to 60 years' imprisonment in the Texas Department of Criminal Justice.
- d. On September 4, 2019, the Tenth Court of Appeals issued its order and judgment on these cases. *See Nicholson v. State*, Nos. 10-18-00359-CR and 10-18-00360-CR.
- e. The current deadline for filing the Appellant's Petition for Discretionary Review is October 4, 2019.

- f. Appellant requests a 30-day extension, until November 3, 2019, to file the Petition for Discretionary Review.
- g. The reason for this request is that, in the last few weeks, counsel has been working on the following:
  - 1. Reply Brief in *United States v. Michael Shelley*, No. 19-40129, in the United States Court of Appeals for the Fifth Circuit.
  - 2. Petition Under 28 U.S.C. §2254 for Writ of Habeas Corpus By A Person in State Custody, in *Tim Doran v. Lorie Davis, Director, TDCJ-CID*, No. 6:19-CV-00502, in the United States District Court for the Western District of Texas.
  - 3. Preparation for oral argument in *United States v. Timothy Paul Hamilton, Jr.*, No. 18-5124, in the United States Court of Appeals for the Tenth Circuit.
  - 4. Petition for Writ of Certiorari in *Mark Douglas Robison v. State of Texas*, No. 19-183, in the United States Supreme Court.
  - 5. Petitioner's Reply to Respondent's Response to Petition for Writ of Habeas Corpus Under 28 U.S.C. §2254 in *Justin Robert Boyce v. Lorie Davis, Director, TDCJ-CID*, No. 4:19-CV-00155, in the United States District Court for the Eastern District of Texas.
  - 6. Hearing on Application for Writ of Habeas Corpus in *Ex Parte Duy Viet Nguyen*, Nos. 003-86419-2012 and 003-84573-2014, in the County Court at Law No. Three of Collin County, Texas.
  - 7. Application for Writ of Habeas Corpus in *Ex Parte Michael Alexander Ward*, No. C-297-W011520-1450385-A, in the 297th District Court of Tarrant County, Texas.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully prays that this Motion be granted.

Respectfully submitted,

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ATTORNEY FOR APPELLANT

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Motion for Extension of Time to File Appellant's Petition for Discretionary Review was electronically delivered to William Dixon, Navarro County District Attorney, and to the State Prosecuting Attorney, on this the 11th day of September, 2019.

/s/ Gary A. Udashen  
GARY A. UDASHEN